

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

In re:

W. Mark Frazer and Konilynn Frazer,
Appellants,

- vs -

Northwest Trustee Services, Inc.
Appellees.

CHAPTER 7

BANKRUPTCY NO. 10-44491

INTERNAL APPEAL NO. 11-
T016

USDC CASE NO. C11-5954BHS

ADV NO. 10-04390

**MOTION FOR
ENLARGEMENT OF TIME
TO FILE BRIEF**

The Appellants herein, having quite extraordinary circumstances, hereby respectfully Motion this Court to grant an enlargement of time in which to file Appellants' Brief. In support hereof, the Appellants represent as follows:

BRIEF HISTORY OF THE CASE

The Appellants commenced an adversary proceeding against various parties within the underlying Bankruptcy Petition, including the Appellee herein,

1 Northwest Trustee Services Inc. [hereinafter: "NWTS"]. Subsequently,
2 Appellee NWTS by counsel filed a Motion for Summary Judgment, and the
3 Court [Snyder, Paul B.] heard oral argument on 3 November 2011. The Court
4 reserved Judgment, and issued a Decision Granting Summary Judgment on 7
5 November 2011, from which the Plaintiffs therein, Appellants herein, timely
6 appealed. The Appellants' Brief would ordinarily be due on 26 June 2012.
7
8 One previous extension has been granted.
9

10 **EXTRAORDINARY INTERVENING EVENTS**

11
12 Appellants currently have living with them an adult daughter who at this
13 time was pregnant with child, with a delivery date of July 15th. The father is at
14 sea with the United States Navy and not expected back on shore leave until
15 early September when his current rotation of sea duty would end. Over the
16 course of the weekend of 23 June 2012, the daughter proceeded to experience a
17 sequence of false labors and eventually did enter final labor, three weeks
18 prematurely, and has now delivered an infant child. Mother and child are just
19 now returned to the household on the evening of June 26th and the appellants
20 herein, given the absent father on duty at sea, are suddenly placed in the role of
21 both attending to the matters of delivery and of care for mother and child.
22
23 These events, unanticipated, are an Act of God in its purest sense and are
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1 reasonable grounds to Motion this Court for a short enlargement of time to file
2 the appellants' Brief on Appeal. The matters as described have brought chaos
3 into the lives of the Appellants as the sole responsible caretakers for both
4 mother and infant and disrupted their ability to finish their Appeal brief in an
5 orderly manner. Attached to this motion are images of the hospital tags for
6 mother and baby. **Appendix A**

9 **RELIEF REQUESTED**

10
11 Appellants petition this court for a one-week enlargement of time to file
12 their Appellant Brief.

13
14 Counsel for Respondent NWTs, which law firm also owns the defendant
15 respondent, has been contacted and state that they have no opinion as to this
16 Motion for enlargement of time.

17
18 **PARTIES TO THE APPEAL and Relevant Notice**

19 As required under rule 8011 (d) below are the addresses of parties noticed
20 under emergency criteria as enumerated in 8011(d) if applicable. In addition,
21 please note there is no need to remand to fact finding court (Bankruptcy Court)
22 and under 8011 (e) if the Court deems proper one judge could determine the
23 instant matter.
24
25
26

1 APPELLANTS (Moving Party)
2 W. Mark Frazer and Konilynn Frazer
3 10404 45th St Ct E
4 Edgewood, WA 98372
5 253-820-8245

APPELLEES (Opposing Counsel)
Northwest Trustee Services, Inc.
C/O Melissa Romeo
Routh Crabtree Olsen, P.s.
13555 SE 36th Street, Suite 300
Bellevue, WA 98006
425-213-6042

6
7 WHEREFORE. Appellants respectfully request a one-week enlargement
8 of time to file the Appellants' Brief herein to the due date of July 3rd, 2012.
9

10
11 DATED this 26th day of June, 2012.
12

13
14 /s/ W. Mark Frazer

15 W. Mark Frazer, *pro se*
16 Konilynn Frazer, *pro se*
17 10404 45th St Ct E
18 Edgewood WA 98372
19 253-820-8245
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CERTIFICATE OF SERVICE

USDC CASE NO. C11-5954
INTERNAL APPEAL NO. 11-T016

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States District Court by using the CM/ECF system on June 26, 2012

I certify that counsel for Appellee are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

Signature: /s/ W. Mark Frazer